

**OPINION  
48-156**

March 23, 1948 (OPINION)

INTOXICATING LIQUOR

RE: Sale on Election Day

This is in reply to your letter of March 18, 1948, addressed to this office.

You state that Foster School District No. 3, Logan County, is going to have a special election on March 30, for the purpose of voting an increase of tax levy. The polls will open at two o'clock p.m., and close at five o'clock p.m., the same day. The school district comprises the city of Napoleon and all the township in which the city of Napoleon is situated. Your place of business is outside of the corporate limits of the city, but is in the township in which Napoleon is situated. You operate a recreation parlor where beer and whiskey are sold. The question is, do you have to close on the day the school election is held.

Since the election is held in the school district, and your place is within the school district, under the law it will be necessary for you to be closed all day.

You further state that on April 5, you are going to have a city election for the purpose of electing a city mayor and alderman. Your place is located outside the corporate limits and in Bryant Township. The question is, do you have to close your place of business on that day.

Since this is a city election and since your place of business is located outside of the city limits, it would not be necessary for you to close your place of business on the day that the election is held within the city.

NELS G. JOHNSON

Attorney General